

RECEIVED
CENTRAL FAX CENTER

DEC 01 2005

FACSIMILE TRANSMISSION

TO: USPTO - Petitions Branch**PAGES:** 1 of 5**FROM:** David W. Osborne**FACSIMILE NO.:** 1-571-273-8300**DATE:** December 1, 2005**TRANSMITTED BY:** Julia Seargeant**OUR DOCKET NO.:** 23625.CON / Application No. 10/764,016

SUBJECT:**RESUBMISSION OF A PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED CLAIM
FOR THE BENEFIT OF A PRIOR-FILED APPLICATION UNDER 37 C.F.R. § 1.78 (a)(3)**

Office of Petitions
PO Box 1450
Alexandria, VA 22313-1450

Sir/Madam:

Transmitted herewith is the RESUBMISSION OF A PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED CLAIM FOR THE BENEFIT OF A PRIOR-FILED APPLICATION UNDER 37 C.F.R. § 1.78 (a)(3) for Attorney Docket No. 23625.CON, Application No. 10/764,016. Thank you.

Sincerely,

David W. Osborne
Thorpe North & Western, LLP
Customer No. 20,551
Reg. No. 44,989

The pages that follow may contain sensitive, privileged or confidential information intended solely for the addressee named above. If you receive this message and are not the agent or employee of the addressee, and have therefore been sent or received this communication in error, you are asked not to disseminate or copy any of the attached and are to notify the sender immediately by telephone. Please also return the original message to the sender by mail. Thank you.

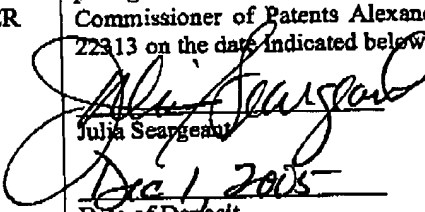
www.tnw.com8180 South 700 East - Suite 200 - Sandy, Utah 84070-0662 • 801.566.6633 • f. 801.566.0750 • pdlaw@tnw.com U.S. Mailing Address: P.O. Box 1219 - Sandy, Utah 84091-1219

The Team Approach to Premier Performance™

RECEIVED
CENTRAL FAX CENTER

DEC 01 2005

Patent App. SN: 10/764,016
Attorney Docket No. 23625.CON**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT:	Fikstad et al.	CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8 I hereby certify under 37 CFR § 1.8 that this correspondence is being facsimile transmitted to the USPTO or being deposited with the United States Postal Service with sufficient postage as first class postage in an envelope addressed to Commissioner of Patents Alexandria, VA 22313 on the date indicated below.  Julia Seargeant <u>Dec 1, 2005</u> Date of Deposit
SERIAL NO.:	10/764,016	
FILED:	January 23, 2004	
FOR:	PHARMACEUTICAL COMPOSITIONS WITH SYNCHRONIZED SOLUBILIZER RELEASE	
ART UNIT:	1614	
EXAMINER:	Royds, L.	
DOCKET NO.:	23625.CON	

**RESUBMISSION OF A PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED
CLAIM FOR THE BENEFIT OF A PRIOR-FILED APPLICATION UNDER 37 C.F.R. §
1.78(a)(3)**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is a resubmission of a petition to correct a claim for the benefit of a prior-filed patent application pursuant to 37 C.F.R. 1.78(a)(3), and in accordance with the fees set forth in 37 C.F.R. 1.17(t) which have previously been paid.

Page 1 of 4

Patent App. SN: 10/764,016 Attorney Docket No. 23625.CON

REMARKS

Applicants resubmit this petition to amend a claim for the benefit of a prior-filed patent application pursuant to 37 C.F.R. 1.78(a)(3). Applicants submit that the entire delay for filing the proper claim of benefit was unintentional and respectfully requests acceptance of this petition.

Patent App. SN: 10/764,016 Attorney Docket No. 23625.CON

PARAGRAPH REQUIRED BY 35 U.S.C. 120 AND 37 C.F.R. 1.78(A)(2)

Please add the following text required by 35 U.S.C. 120 and 37 C.F.R. 1.78(a)(2) after the title "PHARMACEUTICAL COMPOSITIONS WITH SYNCHRONIZED SOLUBILIZER RELEASE" and before the paragraph entitled "1. Technical Field:"

Priority Data

"This application is a continuation of U.S. Patent App. No. 10/700,838 filed on November 3, 2003, which is a continuation in part of U.S. Patent App. No. 10/428,341 filed on May 1, 2003, now issued as U.S. Patent No. 6,923,988, which is a continuation of U.S. Patent App. No. 09/800,593 filed on March 6, 2001, now issued as U.S. Patent No. 6,569,463, which is a division of U.S. Patent App. No. 09/447,690, now issued as U.S. Patent No. 6,248,363."

Patent App. SN: 10/764,016
Attorney Docket No. 23625.CON

CONCLUSION

The required fee of \$1,370 00 as specified in 37 C.F.R. 1.17(t) has previously been paid.

Dated this 1st day of December 2005.

Respectfully submitted,

THORPE, NORTH & WESTERN, LLP



David W. Osborne
Reg. No. 44,989
8180 South 700 East, Suite 200
Sandy, UT 84070
Telephone: (801) 566-6633
Facsimile: (801) 566-0750